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National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
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NOV -5 1996

F/NW

John A. Kitzhaber
Governor of Oregon
160 State Capitol
Salem, Oregon 97310-0370

Dear Governor Kitzhaber:

Thank you for giving the National Marine Fisheries Service (NMFS) the opportunity to review the August draft Oregon Coastal Salmon Restoration Initiative Plan (Plan). I commend you again for mobilizing this ambitious effort, and applaud watershed councils for the energy, enthusiasm and creativity they are bringing to it. The quantity and scope of the information in the draft Plan show how committed you and your management team and staff are to reversing the serious decline of coho salmon. Jay Nicholas and Jim Martin deserve special thanks for their tireless efforts to coordinate with NMFSs during the Plan's development.

The NMFS has completed a preliminary review of the extensive materials in the draft Plan, focussing on its value for coho conservation. We have not reviewed the Plan at this time for its value to steelhead or other salmonids, even though other species may benefit from implementation of this Plan. Nor have we provided comment on materials submitted after late August (with one exception noted below), even where we are aware of additional information and substantive changes intended for Oregon's final Plan.

You have our commitment to consider very seriously the elements of the Coastal Salmon Restoration Initiative when making final listing decisions on coho and other anadromous species in Oregon. This letter highlights the most important points of strength and weakness that we have been able to identify in the draft as it currently stands. We believe that it represents a considerable



set of commitments. We also believe it needs more work in certain areas, and are working hand in hand with you to strengthen these areas.

One of the most obvious tasks for NMFS is to assure that Federal agencies bolster this effort with as much funding, program innovation, and other support as possible. I know that delivery of Federal measures has been delayed, to your understandable frustration, and we continue to work with other Federal agencies to strengthen federal contributions to coastal salmon restoration.

Strengths

A number of strong features of the draft Plan deserve mention. In the harvest arena, our evaluation has considered additional features of the Oregon Department of Fish and Wildlife's (ODFW) coho management regime contained in its August 19, 1996, draft report, "Proposed Spawner Escapement Goal and Fishery Management Regime for Oregon Coastal Natural Coho Salmon," which we understand to be intended as part of the Plan. That document should be incorporated and should greatly improve the Plan's conservation value for coho. We believe that ODFW's approach in the August 19 draft report could be used as a model for managing salmon stocks coastwide, so long as the escapement calculation issue laid out in the attachment is addressed. The harvest management provisions in the Plan contain several positive elements, but these are fairly general and need substantive strengthening. Important features of the combined draft Plan and August 19 draft report would include disaggregation of stocks into smaller management units, escapement goals for each management unit, a conservative harvest management schedule based on stock status and environmental conditions, and a necessary monitoring plan and evaluation process.

In the habitat arena, NMFS is encouraged by several initiatives. The Oregon Department of Agriculture has proposed many actions, including the use of Rapid Screening Assessment and the Natural Resources Conservation Service's Field Office Technical Guides for Confined Animal Feeding Operations. The Department of Environmental Quality (DEQ) is enhancing Clean Water Act 401 certifications with increased field verifications and monitoring, and the Department of Land Conservation and Development is

implementing the Coastal Non-point Pollution Control Program, which could provide substantial water quality improvements in the long term. Notably, the Oregon Department of Transportation has already begun aggressively pursuing their projects in a way that is good for anadromous fish. For the Oregon Department of Forestry (ODF), strong points include the potential of Northwest State Forest Lands Management Plan to result in longer rotations and increased watershed health through "structure-based management," and increased protection of core areas during hardwood conversions.

The NMFS recognizes the many voluntary efforts to improve habitat being undertaken through watershed councils. Also, industrial forest owners have proposed a voluntary program to identify and address risks to salmon from roads, through a road erosion and risk reduction project to be coordinated by ODF.

Another strong feature of the Plan is the ambitious, multi-scaled monitoring program proposed by the Science Team. We strongly concur with the importance of funding and supporting a coastwide monitoring director. That position (as well as funding and staff to carry out individual monitoring elements) will be vital to the State's capacity to integrate, evaluate, and act upon the information gathered through ESU, GCG, basin, and watershed-scale monitoring of stock health and habitat characteristics. It will also be vital to tracking and using information gathered by each agency on implementation and effectiveness of individual habitat improvement measures, hatchery programs, and harvest strategies.

The ODFW proposes significant actions in its hatchery programs that will contribute to the recovery of naturally-spawning coho salmon. Substantial reductions in hatchery coho releases should minimize potentially adverse interactions with naturally-produced fish. Planned improvements in hatchery broodstocks and the intended marking of all hatchery coho releases will also significantly reduce the potential for deleterious interactions between hatchery and natural fish.

Areas Needing Strengthening

At this point, despite the extensive materials laid out in the draft Plan, it still falls short of what we believe will be necessary to maximize its impact on NMFS' decision making and

planning. As noted above, the hatchery and harvest elements are relatively strong, reflecting changes that will require ongoing, major adjustments in both commercial and recreational fisheries. By comparison, the habitat elements of the proposal appear to work only around the edges of existing programs in a number of respects. While the resource management and regulation agencies have proposed some positive steps, we believe that several aspects will require more fundamental changes in management and permitting activities that affect important habitat parameters. Given the serious (50-90%) decline in productive potential of Oregon's coho habitat, it is clear that Oregon needs substantial additional effort in the habitat arena.

The Plan views watershed councils as the backbone of its habitat strategy, and the ultimate "integrator" of all implementation in a watershed. With you, we believe local watershed efforts to be central to long-term success in restoring healthy watersheds, water quality, and salmon. Yet, the Plan also recognizes that watershed councils are not yet structured and funded to serve that function up and down the Oregon coast in the near term. Therefore, the weight NMFS can give to the Plan will be influenced by the degree to which the Plan clearly identifies mechanisms for coordinating implementation and timing of agency measures, setting priorities, monitoring progress, and assuring adaptive management adjustments based on monitoring results.

The lack of identified priorities and plan-wide coordination is a weakness both at the regional scale and for many individual agencies. (By contrast, the Oregon Department of Forestry and Oregon Department of Parks have identified priorities for funding and action). The strong monitoring proposal noted above needs to be complemented by clear, regional-scale objectives and explicit standards and criteria for the measures proposed by individual agencies. The measures proposed by the agencies need to be linked to meeting the objectives of the Plan. An added benefit to having those objectives and linkages in place is that they, combined with ongoing attention to monitoring results, will serve as an effective, ongoing compass for the state's long-term attention to coastal salmonid health.

The Plan also should distinguish more clearly which activities are to be undertaken immediately and which will be part of a "phase 2" effort. Even for immediate habitat measures, the draft

Plan often fails to specify a time frame for completion, making it difficult to accurately assess their part in near-term coho restoration.

We enthusiastically support Oregon's intent to rely heavily on detailed watershed analyses identifying factors of decline at the watershed and reach scales. A mature watershed protection/salmonid restoration program would do so. However, Oregon should also plan to use existing data and the best professional judgment of biological experts to identify major factors contributing to decline of coho in each basin until and unless these more sophisticated analyses are complete. A rapid and adaptable screening process for determining effects at a watershed scale can be adapted from "Making ESA Section 7 Determinations of Effects for Individual or Grouped Actions at the Watershed Scale" (NMFS, 1996).

Three key elements are missing from the habitat arena. The state needs to establish a cumulative effects/watershed assessment methodology and a process to put it into practice coast wide. The Plan needs a conservation/protection strategy for all core areas. Finally, the absence of a science-based peer reviewed evaluation of the habitat measures is a serious gap. We strongly urge that it be undertaken.

Agency Measures

Staff at NMFS are anxious to meet with Mr. Martin and agency directors (agency-by agency or in small groups) to discuss our comments in detail, with participation from both technical and policy-level representatives and with the benefit of the comments from the peer review process now getting underway. In that way, we can keep the focus on what can be done to fill gaps or strengthen measures, while at the same time resolving any differences in perception about the agency proposals. For your convenience, a distillation of our most important comments on the currently proposed package of agency measures is attached to this letter.

Those comments are intended to flag the substantive shortcomings in protection of streams and instream habitat functions; in water use, water management, and the pace of water quality improvements; in riparian protections from development and

resource use impacts; and in limiting impacts in areas of high slope/soil instability. We also have some additional concerns and suggestions in the hatchery and harvest areas.

I know from other venues of your substantial undertakings and commitments to making rapid progress in water quality through SB 1010 Water Quality Management Plans and planning to meet "TMDL" (total maximum daily load) needs in water quality limited areas, and want to emphasize that the final Plan should reflect those commitments. We believe more attention should be given to rapid implementation of DEQ's new water quality standards. Even more telling will be the extent to which DEQ and others can rapidly develop plans to meet Clean Water Act requirements in coastal areas, without expending excessive resources on a separate, quantitatively-driven "TMDL" exercise. The NMFS stands ready to work with DEQ and the Environmental Protection Agency (EPA) to find ways to streamline and speed that process, emphasizing its natural links to overall watershed planning and implementation, and focussing on protection or recovery of beneficial uses.

In short, we believe that good salmon habitat and clean water are fundamentally similar objectives, and we strongly encourage more design work in this draft Plan to ensure that the water quality machinery at the state and local level protects salmon habitat and obviates the need for additional ESA-related requirements. We also firmly believe that through properly designed watershed restoration plans, we can achieve both water quality and salmon habitat objectives simultaneously and do it in a more effective and streamlined manner than is the case with the current cumbersome TMDL processes. The draft plan moves cautiously in that direction, and we encourage collaborative work among DEQ, EPA, NMFS and other appropriate agencies to strengthen that path.

The NMFS recognizes the significant role that volunteer activity will play in salmon restoration, but equally recognizes that more can and should be done to enforce existing laws, especially those focussed on salmon habitat. Stepped-up enforcement will play a major role in protecting and restoring habitat. The resource management agencies should seek ways to achieve enhanced enforcement, including more aggressive coordination with the Oregon State Police.

Clouding the measures proposed by almost every agency is uncertainty about the level of funding and statutory authority that will be available for implementation and necessary staffing of some of the long-range proposals. I know that you cannot give absolute assurances when the legislative session still lies ahead. But I also know that you appreciate how crucial certainty of implementation is to NMFS. I hope that the final plan will provide more detail on budget and substantive proposals to the legislature, together with some attempt to assess the likelihood of success of those proposals and of securing funds from other sources.

Science

The NMFS is encouraged by the progress made by the Science Team to address complex technical issues surrounding coho salmon recovery. Still, much additional work is needed to resolve concerns regarding Science Team conclusions, especially since some critical pieces of the Team's analyses and results were not available to the Science Team members prior to publication of the draft Plan. In particular, NMFS believes the Science Team should revisit the role of listing and delisting criteria as not of central significance to the core issue of the efficacy of the plan itself. A focus on clearly laying out the characteristics of healthy salmon populations might well be more useful and helpful to participants in the overall CSRI effort. The NMFS will continue to support the Science Team efforts and looks forward to meeting with the Team to resolve outstanding issues surrounding their recommendations.

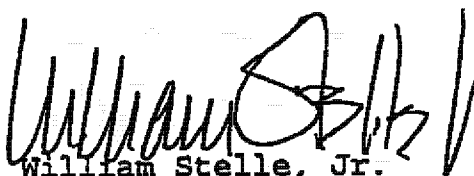
Also, as noted above, the Science Team should ensure that a science-based evaluation of the habitat measures is conducted and peer reviewed. The design and implementation of effective and reliable habitat measures will no doubt be among the most challenging elements of the plan, and ensuring that they are well grounded scientifically through a solid, credible peer review is essential. I understand that your staff is submitting the draft Plan for scientific peer review. Let me underscore my strong support for a broad peer review of the entire plan. Please keep NMFS apprised of the scope and progress of peer review, as well as of public comments received on the draft Plan.

The NMFS greatly appreciates the manner in which you and your staff have kept NMFS involved in discussions related to the Plan at appropriate points. Direct meetings among our technical staffs have greatly improved our understanding of complex state issues, and we believe have also aided state staff in understanding the bases for NMFS' concerns. I trust those meetings and relationships will continue. They are defining a new era in State/Federal cooperation in endangered species conservation, and will chart a new road for the future.

The value of your efforts to draw this salmon restoration initiative together is by no means an all or nothing proposition. Whether or not any particular species is listed under the ESA, ultimate stability of salmonid populations will depend significantly on the steps that are taken at tribal, state, local, and private initiative. Each commitment to enhanced protection or to restoration is important in itself, yet even more valuable when integrated into an overall restoration strategy.

Finally, let me give credit to the job Mr. Martin, the state agency directors, and their staffs have done in presenting the draft Plan and responding to questions in the public meetings along the coast. These meetings are doing a great job in educating concerned citizens about the status of coho and in generating enthusiasm for coastal salmon recovery. You recognize, as do I, that the long-term solution to declining west coast salmon populations rests with the public.

Sincerely,


William Stelle, Jr.
Regional Administrator

Enclosure

Enclosure

This enclosure highlights NMFS' most important observations on the currently proposed package of agency measures. NMFS believes that further informal discussions on these matters between NMFS staff and the relevant staffs of the state agencies and departments is necessary and desirable to promote a better shared understanding of the measures and their potential effects.

Oregon Department of Fish and Wildlife

The Plan should include more information on the relationship between the interim spawner escapement goals and the various spawner indices and goals developed by the Oregon Science Team, and include adjustments if necessary to respond to that information.

The Plan does not address in sufficient detail the management of exotic fish species, their potential effects on native salmonid species, or the specific actions to be taken by the State.

Oregon Department of Agriculture (ODA)

We encourage ODA to implement SB 1010 Agricultural Water Quality Management Area plans (AWQMA) under an identified schedule that will have them in place throughout the coast within three to four years. These plans should establish appropriate requirements for grazing, riparian setbacks, pesticide management, and run off/erosion management. We also suggest the State consider whether a coast-wide AWQMA plan could be put into place very rapidly (perhaps within the next year) to deal with issues that are similar up and down the coast. Individual basin AWQMA plans then could build on those generic elements. ODA should coordinate this effort closely with DEQ and its draft non-point source TMDL processes and strive to integrate the effort into watershed council planning and implementation activity.

Oregon Department of Forestry (ODF)

The ODF submission contains the existing Forest Practices Rules (FPRs). The NMFS has met with ODF on several occasions to identify and discuss our concerns with the FPRs, and has solicited ODF's informal response to our comments which has yet to be forthcoming. This exchange of comments and the sharing of the information and data that underscore them is essential, and we continue to strongly encourage it. While we understand ODF's commitment to implementing the 1994 FPRs, we remain concerned about mass wasting and protection of unstable areas, road-related problems, large wood recruitment and small stream protection, forest chemical application, hardwood conversion, protection of core areas, and cumulative effects management.

Department of Land Conservation and Development (DLCD)

DLCD has provided the revised Goal 5 measures and the Coastal Non-point Pollution Control program (CNPCP) as their cornerstone for recovery. The NMFS is concerned that the new Goal 5 measures allow road building in the riparian area and offer exemptions from prohibited vegetation removal in the riparian area for water related and water dependent

activities. The CNPCP program will not be totally implemented until the year 2007 and does not serve as a timely salmon recovery vehicle. We encourage Oregon to rapidly identify critical coastal areas within the CNPCP program, and to consider salmon "core" areas in that process.

The NMFS strongly supports proposals presented in the original May 1996 Agency submission that do not appear in the draft Plan: 1) ensure that State funded projects apply criteria that protect salmon, 2) establish a coastal watershed resource goal, and 3) re-open the periodic review process to ensure a more timely modification of existing local land use plans in the coastal area.

Division of State Lands (DSL)

DSL's current proposals do not appear to represent any major program adjustments aimed at salmonid protection. DSL should restrict gravel extraction from streams that contain sensitive, threatened or endangered anadromous fish.

Department of Environmental Quality (DEQ)

While DEQ water quality standards represent a significant move toward providing for the biological requirements of salmonids, we are concerned with the potential for inadequate implementation and weakening of the standards. For example, current DEQ rules allow for relaxation of water temperature criteria upon certain findings; this could result in continuation of temperature conditions adverse to salmonids.

Because of DEQ's limited resources, development of TMDL assessments is exceptionally drawn out. Under its current procedures DEQ is only able to conduct approximately six TMDL assessments over the next two years. Given the hundreds of stream reaches on Oregon's 303(d) list of water quality limited streams that need these assessments, an effort to streamline and integrate the TMDL process (discussed in the body of the letter) is a high priority from NMFS' standpoint.

Oregon Water Resources Department (OWRD)

The Plan should set up a process and schedule for identifying where actual flows are insufficient for anadromous fish. (This would require involvement of ODFW and other appropriate agencies.) Then OWRD water right and instream flow processing, management, and enforcement should be aligned to improve those conditions and prevent creation of additional problem areas. OWRD should also do everything possible to ensure that existing rules, regulations and permit conditions are enforced.